



Patent
Attorney Docket No. 034459-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Maria DALKO et al.

Application No.: 10/076,418

Filing Date: February 19, 2002

MAIL STOP AMENDMENT

Group Art Unit: 1651

Examiner: Ruth A. Davis

Confirmation No.: 9294

Title: COMPOSITION COMPRISING VITAMIN C PREPARED DURING APPLICATION, USE OF ENZYMES
FOR FORMING VITAMIN C FOR TOPICAL USE, AND A COSMETIC TREATMENT METHOD

THIRD
INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a THIRD Information Disclosure Statement and accompanying form
PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404
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By

Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

Date: January 11, 2006

Buchanan Ingersoll PC
ATTORNEYS

Including attorneys from Burns Doane Swecker & Mathis

(8/05)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
Maria DALKO et al.)	
Application No.: <u>10/076,418</u>)	Group Art Unit: 1651
Filed: February 19, 2002)	Examiner: <u>Ruth A. Davis</u>
For: COMPOSITION COMPRISING)	Confirmation No.: 9294
VITAMIN C PREPARED DURING)	
APPLICATION, USE OF ENZYMES)	
FOR FORMING VITAMIN C FOR)	
TOPICAL USE, AND A COSMETIC)	
TREATMENT METHOD)	

THIRD INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Applicants request consideration of the documents listed on the accompanying Form PTO-1449, which have been cited during examination of the corresponding application in Japan.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

The following remarks are offered regarding the documents which are not in English.

JP 7-96166 is in Japanese. A machine-made English translation is provided.

JP 8-133925 is in Japanese. Corresponding DeSalvert et al., U. S. Patent No. 5,788,972, is cited to serve as an English translation and was previously drawn to the Examiner's attention.

JP 64-34293 is in Japanese. Corresponding Yin et al., U. S. Patent No. 4,935,359, is cited to serve as an English translation. An English-language abstract is also enclosed.

JP 6-46870 is in Japanese. WO 93/19192 is cited to serve as an English translation. A patent family search and an English abstract are provided as well. JP 6-46870 was filed as the national stage of the PCT application published as WO93/19192.

JP 61-500201 is in Japanese. WO 85/01745 is cited to serve as an English translation. A patent family search and an English abstract are also provided. JP 61-500201 was filed as the national phase of the PCT application which was published as WO 85/01745.

JP 54-145283 is in Japanese. GB 2 008 116 is cited to serve as an English translation. A patent family search and an English abstract are also provided.

The Vitaminology II and Vitaminology Advancement articles disclose ascorbic acids which can be synthesized from precursors, for example, by the action of enzymes, and show specific examples schematically. The schematics in these articles have been translated into English.

The documents are being submitted within three (3) months of the filing of a Request for Continued Examination during the three-month period for which applicants requested suspension of action and paid the requisite fee. The Official Action issued December 13, 2005 was therefore issued prematurely and applicants requested on December 21, 2005 that the Action be rescinded and that an Action not be issued until the period of suspension of action expires, which will not occur until after the filing of this Information Disclosure Statement and enclosures. Therefore, it is believed that these papers are being filed before the first properly-issued Official Action on the merits and that no fee or statement is required, or if required is waived because of the improper premature issuance of the Official Action.

It is respectfully requested that the Examiner consider this statement and its enclosures and that an Examiner-initialed copy of the accompanying Form PTO-1449 be returned to the undersigned with the next official communication.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date January 11, 2006

By: Mary Katherine Baumeister
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JAN 11 2006

THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	10/076,418
Filing Date	February 19, 2002
First Named Inventor	Maria DALKO et al.
Examiner Name	Ruth A. Davis
Attorney Docket Number	034459-003

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	5,788,972		De Salvert et al.	08-04-1998
	4,935,359		Yin et al.	06-19-1990

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec
	7-96166		JP	04-11-1995	X						
	8-133925		JP	05-28-1996	X						
	64-34293		JP	02-03-1989	X					X	
	6-46870		JP	02-22-1994	X					X	
	93/19192	A1	WO	09-30-1993							
	61-500201		JP	02-06-1986	X					X	
	85/01745	A1	WO	04-25-1985							
	00/15827	A2	WO	03-23-2000							
	54-145283		JP	11-13-1979	X					X	
	2 008 116	A	GB	05-31-1979							

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Vitaminology II, Tokyo Kagaku Doujin, Inc.; November 1, 1980 1 st edition, pp 578-581, Tokyo, JP
	Vitaminology Advancement, Vitamin Society of Japan, February 25, 1960, 1 st edition, pp 113-117, Kyoto, JP

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.